

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Shon T. Erwin entered August 17, 2017, [Doc. No. 116]. Judge Erwin recommended that the referral be terminated and this matter set down for trial since neither party filed a dispositive motion in accordance with the Order establishing this deadline. On August 18, 2017, Defendants filed a Motion for Leave to File Out of Time and Objection to the Report and Recommendation [Doc. Nos. 117 & 118]. Therein Defendants state that due to an administrative error the dispositive motion deadline was incorrectly docketed and they now seek leave to file their dispositive motion out of time. Therefore, the undersigned declines to adopt the Report and Recommendation, grants Defendant's Motion for Leave to File Out of Time and re-refers this matter to Judge Erwin for further proceedings. Defendants shall file their dispositive motion within seven (7) days from the date of this Order.

IT IS SO ORDERED this 22nd day of August, 2017.

David L. Russell
DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE